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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,432	11/14/2001	Cullen Davis	321.068	6137
7590	07/14/2005		EXAMINER	
B. Craig Killough Barnwell Whaley Patterson & Helms, LLC Suite 300 134 Meeting Street Charleston, SC 29401				QIN, YIXING
		ART UNIT		PAPER NUMBER
		2622		
DATE MAILED: 07/14/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED
JUL 27 2005
Technology Center 2600

Office Action Summary	Application No.	Applicant(s)
	09/992,432	DAVIS ET AL.
	Examiner	Art Unit
	Yixing Qin	2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 14 November 2001.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-6 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-6 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/14/01</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krinsky (U.S. Patent No. 6,354,212) and in view of Lourette et al (U.S. Patent No. 6,515,760).

Claims 1 and 4

- Krinsky discloses in Fig. 1 a length and height of various wallpaper pieces. Column 4, lines 28-36 discloses the printing of an image on the wallpaper. It would be obvious that these are the same size as to not waste paper printing.
- By using these values for all 6 in Fig. 1 pieces together, it effectively defines the size of the composite wallpaper.
- Krinsky does not disclose an assembly spacing. However, the secondary reference, Lourette, discloses in Figs. 5A-5D various overlapping regions (i.e. **assembly spacing**) that is used in combining the images.
- Krinsky discloses in column 4, lines 2-4 the resizing of an image to make it fit the actually wallpaper.
- Krinsky again does not disclose the **assembly spacing** but does show the merging of images in Fig. 1. Lourette discloses in Fig. 4 an entire image, which can be created from the portions as shown in Figs. 5A-5D. One can see that the various overlapping regions (i.e. **assembly spacing**) become part of the overall image. Depending on how one sizes the overlapping portion, it would be obvious to have the images plus the overlapping portion to equal the size of the entire composite image.
- Krinsky discloses in column 4, lines 28-36 the printing of the wallpapers.
- **Claim 4** calls for the transferring of the image to a substrate, and then to another substrate. Krinsky discloses in column 4, lines 30-36 that a mirror image is

created on a substrate, and then the mirror image is then transferable to a suitable wallpaper substrate. (i.e. two different substrates)

- Both references are in the art of creating a composite image from a plurality of smaller ones. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used overlapping portions. The motivation would be to more easily fit together the various sub-images.

Claims 2 and 5

- One can see the combined images in Fig. 1 of Krinsky and Fig. 4 of Lourette.

Claims 3 and 6

- The overlapping regions in Lourette can read on orientation marks as they help an user create a composite image by lining up the various overlapping regions to the corresponding overlapping regions. Furthermore, using marks to combine images is well known – i.e. see Yoshihara (U.S. Patent No. 5,465,163 – Figs. 10-12).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yixing Qin whose telephone number is (571)272-7381.

The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on (571)272-7402. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 09/992,432
Art Unit: 2622

Page 4

YQ

EDWARD COLES
PATENT EXAMINER
T-2622

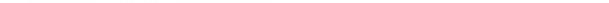

EDWARD COLES
SUPERVISORY PATENT EXAMINER
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Substitute for form 144SB/PTO		<i>Complete if Known</i>	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT			
(use as many sheets as necessary)			
Sheet	of	Application Number	<i>Nov 14 2001</i>
		Filing Date	<i>DAVIS</i>
		First Named Inventor	
		Group Art Unit	
		Examiner Name	
		Attorney Docket Number	

11/14/01
09/992432

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Signature		Date Considered	7/7/05
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***EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citizen designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Notice of References Cited

Application/Control No.

09/992,432

Applicant(s)/Patent Under

Reexamination

DAVIS ET AL.

Examiner

Yixing Qin

Art Unit

2622

Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,515,760	02-2003	Lourette et al.	358/1.18
	B	US-6,354,212	03-2002	Krinsky, Lynn Paula	101/483
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)

Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

NEW CENTRAL FAX NUMBER

Effective July 15, 2005

On July 15, 2005, the Central FAX Number will change to **571-273-8300**. This new Central FAX Number is the result of relocating the Central FAX server to the Office's Alexandria, Virginia campus.

Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number. To give customers time to adjust to the new Central FAX Number, faxes sent to the old number (703-872-9306) will be routed to the new number until September 15, 2005.

After September 15, 2005, the old number will no longer be in service and **571-273-8300** will be the only facsimile number recognized for "centralized delivery".

CENTRALIZED DELIVERY POLICY: For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the Central FAX number, unless an exception applies. For example, if the examiner has rejected claims in a regular U.S. patent application, and the reply to the examiner's Office action is desired to be transmitted by facsimile rather than mailed, the reply must be sent to the Central FAX Number.